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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,236	01/26/2005	Bernt Erik Tagesson	09546-022US1/55531 US SB/	6477
26211 7590 12/17/2008 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER LEO, LEONARD R				
ART UNIT 3744		PAPER NUMBER		
NOTIFICATION DATE 12/17/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/523,236

**Applicant(s)**

TAGESSON, BERNT ERIK

**Examiner**

Leonard R. Leo

**Art Unit**

3744

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-29, 32-41 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-29, 32-41 and 43-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 18, 2008 has been entered.

Claim 30 is cancelled, and claims 26-29, 32-41 and 43-50 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-29, 32-41 and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al in view of Loctite (Design and Process for CIP Gaskets).

Jensen et al discloses all the claimed limitations except a cured in place gasket. Note the gasket 5 has a softly curved convex shape.

Loctite discloses a Cure in Place (CIP) gasket as an alternative to O-rings and profile gaskets for the purpose of ease of assembly and disassembly. As evidenced by Loctite Product 5381 A/B or 5389 A/B Technical Data Sheet, the curable polymer material is composed of two mixable components.

Since Jensen et al and Loctite are both from the same field of endeavor and/or analogous art, the purpose disclosed by Loctite would have been recognized in the pertinent art of Jensen et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Jensen et al a CIP gasket for the purpose of ease of assembly and disassembly as recognized by Loctite.

Regarding claims 27 and 40, Loctite discloses Product 5381 A/B or 5389 A/B is a “silicone” material.

Regarding claims 28 and 41, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ Liquid Silicon Rubber, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Furthermore, it would have been obvious to one of ordinary skill in the art to apply a known technique to a known device ready for improvement to yield predictable results. *KSR Int’l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007).

Regarding claims 29 and 34-37, Figure 5 of Jensen et al discloses a border area groove having a substantially planar surface with first and second angled side surfaces receiving the gasket 5. Jensen et al discloses edge area 9 outside the border area groove 6.

Regarding claims 32-33 and 43-44, Loctite discloses Product 5381 A/B or 5389 A/B, which is read as being “highly viscous” compared to a fluid, such as water. Further, the specific viscosity of the composition is considered to be an obvious design choice. One of ordinary skill

in the art would employ any desired viscosity to control the manufacturability of the composition.

Regarding claims 45-46 and 49, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a known curable polymer with advantageous manufacturability, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. The specific mixture ratio and viscosities of the components, and curing temperature range would be determined by the choice of the known material. Furthermore, it would have been obvious to one of ordinary skill in the art to apply a known technique to a known device ready for improvement to yield predictable results. *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007).

Regarding claim 47, Loctite discloses the CIP gasket can be applied by a robot. The use of a nozzle is inherent in the process of discharging the polymer under pressure.

Regarding claims 48 and 50, Loctite discloses a cure profile, where curing time is shortened by heating.

#### ***Response to Arguments***

The terminal disclaimer filed on November 18, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. has been reviewed and is accepted. The terminal disclaimer has been recorded.

The rejections in view of Sears, Nakamura et al and Sumitomo et al are withdrawn in view of the claim amendments.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

No further comments are deemed necessary at this time.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ LEONARD R. LEO /  
PRIMARY EXAMINER  
ART UNIT 3744

December 15, 2008